

UNITED STATES OF AMERICA,)	CASE NO. 8:05CR274
)	
Plaintiff,)	
)	MEMORANDUM
vs.)	AND ORDER
)	
ELIGIO GONZALEZ-NOYOLA,)	
)	
Defendant.)	

The Defendant seeks an order suppressing evidence and statements obtained as a result of his May 30, 2005, stop and arrest. The defendant argued: there was no probable cause for the stop; his statements were unknowingly and involuntarily made; and the search of his residence violated his right against unreasonable searches and seizures. Judge Gossett determined: probable cause existed to support the Defendant's stop and arrest; the Defendant knowingly and voluntarily waived his *Miranda* rights and made statements to law enforcement; and the Defendant knowingly and voluntarily consented to the search of his residence.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 85, 95) and the transcript (Filing Nos. 80, 84). The Court has also viewed the evidence. (Filing No. 76) Because Judge Gossett fully,

carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 99) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 68) is denied.

DATED this 5th day of June, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge